

U.S. Court Upsets Injunction Blocking Mineral King Work

A federal appeals court in San Francisco Thursday quashed a restraining order blocking the construction of a \$35 million resort in the High Sierra by Walt Disney Productions.

The Ninth Circuit Court of Appeals ruled that U.S. Dist. Judge William T. Sweigert had abused the discretion of the courts when he issued the restraining order last year against Disney's planned Mineral King resort at the request of the conservationist Sierra Club, according to United Press International.

The three-judge panel unanimously reversed the district court action, with Judges John F. Kilkenny and Ozell M. Trask signing a majority opinion and Judge F. G. Hamley writing a separate concurring opinion.

Sierra Club Argument

The court heard arguments in the case last February.

Government attorneys contended the planned resort conformed with all federal regulations and the Sierra Club had no right to intervene. The Sierra Club argued that the government had violated its own regulations in the terms of its lease of the Mineral King area to Disney interests.

Michael McCloskey, executive director of the Sierra Club, said the club would seek a stay on the vacating of the injunction and file an appeal with the U.S. Supreme Court.

"We are fully committed to stopping this project and getting the area into Sequoia National Park where it belongs," he said. "We regard this as a temporary setback—no more than that. We feel it will be

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reversed by the Supreme Court."

The three-judge panel also ruled that the Sierra Club had no standing in court and no right to block the project. Government attorneys had contended administrative actions granting leases to Disney could not be challenged in court by the conservation group.

Disney's plans for the recreation area include skating rinks, ski lifts, restaurants and lodging facilities. The dirt road into the remote valley would be replaced by a major highway.

Robert Hicks, project manager for Disney, said that the court's ruling would not directly affect his firm's ability to start construction on Mineral King.

He said the state must first let a contract for the road into the remote valley. This is a provision of Forest Service requirements for a 30-year use permit.

Before the road contract is let, Hicks said, the Interior Department has to approve the right-of-way

through a portion of Sequoia National Park. This was about to be done, Hicks said, when the Sierra Club filed suit.

He said the suit has delayed the project about two years and that the company has done no work on plans since January, 1969.

Charles Yates, acting regional forester for the Forest Service said, "We are of course delighted by the decision of the court of appeals regarding the Mineral King recreation area in the Sequoia National Forest.

"We hope the Sierra Club will accept the court's decision and join with us in making Mineral King an outstanding public recreation area consistent with the protection of all environmental values."